

Title 122 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 4 - PROHIBITION OF MOVEMENT OF FLUIDS INTO UNDERGROUND SOURCES OF DRINKING WATER

001 No owner or operator shall construct, operate, maintain, convert, plug or abandon, any injection well or mineral production well or conduct any other injection activity in a manner that allows the movement of fluid containing any contaminant into underground sources of drinking water, if the presence of that contaminant may cause a violation of any primary drinking water regulation or Nebraska Title 118 - Ground Water Quality Standards and Use Classification except as authorized by this Title, or may otherwise adversely affect the health and safety of persons. The owner, operator, or applicant for an authorization or permit shall have the burden of showing that the requirements of this section are met.

002 For Class I and III injection wells and mineral production wells, if any water quality monitoring of an underground source of drinking water indicates the movement of any contaminant into the underground source of drinking water, except as authorized under this title, the Director shall prescribe such additional requirements for construction, corrective action, operation, monitoring, or reporting (including closure of the injection well and/or mineral production well) as are necessary to prevent such movement. In the case of wells authorized by individual permit, these additional requirements shall be imposed by modifying the permit in accordance with Chapter 30 of this Title, or the permit may be terminated under Chapter 31 of this Title if cause exists, or appropriate enforcement action may be taken if the permit has been violated.

003 For Class V wells, if at any time the Director learns that a Class V well may cause a violation of primary drinking water regulations or Nebraska Title 118 - Ground Water Standards and Use Classification, the Director may:

003.01 Require the owner or operator to obtain an individual permit;

003.02 Order the owner or operator to take such actions (including, where required, closure of the injection well) as may be necessary to prevent the violation; or

003.03 Take enforcement action.

004 Whenever the Director learns that a Class V well may be otherwise adversely affecting the health and safety of persons, he or she may prescribe such actions as may be necessary to prevent the adverse effect, including any action authorized under 003 of this Chapter.

005 Notwithstanding any other provision of this section, the Director will take emergency action upon receipt of information that a contaminant which is present in or is likely to enter an underground source of drinking water may present an imminent and substantial endangerment to the utility of the underground source of drinking water.

Enabling Legislation: Neb. Rev. Stat. §§ 81-1504(2)(7)(11)(13)(15)(20); 81-1505(1)(9)(16); 81-1506(2)(b)(d)(e); 81-1507(1)(4)

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